CR62/05

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH

S.B. CIVIL REVISION PETITION NO.62/2005

Abdul Mazid Vs. Mohd. Aslam

DATE OF ORDER :: 22/11/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. S.M. Ali, for petitioner
None present for respondent

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Despite service, no one has appeared on behalf of respondent.

Instant revision petition has been filed by the petitioner-defendant against the order dated 20th April, 2005 whereby the learned Appellate Judge on interim stay application filed under O.41 R.5 CPC has directed the defendant-petitioner to pay Rs.2,000/- as rent during pendency of the appeal in relation to suit property which is in his possession.

Counsel for petitioner submits that the suit property was taken on rent @Rs.100/- per month and without assigning any reason, the learned Appellate Judge has increased the rent to the extent of 20 times which is wholly arbitrary and there is no basis for directing the petitioner to pay Rs.2,000/- of the same suit property during pendency of the appeal under the order impugned dated 20th April, 2005.

I have considered the submission of the counsel and perused the order impugned dated 20th April, 2005.

It has come on record that the suit property is under his tenancy for the last more than two decades and it is a shop which is being used by him for commercial purposes. This court can take judicial notice that after 20 years certainly, the rent has been tremendously increased.

I do not find any error committed by the learned Judge in taking note of the market rent of suit property during pendency of the appeal. No contrary material has been filed even by the defendant-petitioner before the learned trial Judge or before this Court which may prima facie show that what has been increased by the learned trial Judge requires interference.

At last, counsel for petitioner submits that atleast his appeal may be finally heard and disposed of. The submission seems to be justified.

Consequently, the revision petition stands dismissed. However, the learned Appellate Judge is directed to expeditiously dispose of the appeal in accordance with law.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.